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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/747,097

12/22/2000

Craig Mazzagatte

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12/12/2007

FITZPATRICK CELLA HARPER & SCINTO

30 ROCKEFELLER PLAZA

NEW YORK, NY 10112

EXAMINER

JUNG, DAVID YIUK

ART UNIT

PAPER NUMBER

2134

MAIL DATE

DELIVERY MODE

12/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/747,097

Applicant(s)

MAZZAGATTE ET AL.

Examiner

David Y. Jung

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-49, 52-65, 68-80, 83-96, 99-111, 114-127 and 130-137 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-49, 52-65, 68-80, 83-96, 99-111, 114-127 and 130-137 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on file is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2005/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

CLAIMS PRESENTED

Claims 1-49, 52-65, 68-80, 83-96, 99-111, 114-127, 130-137 are presented.

Claims 50, 51, 66, 67, 81, 82, 97, 98, 112, 113, 128 and 129 have been cancelled without prejudice or disclaimer of subject matter contained therein.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 7, 8 to 10, 14, 17, 20 to 22, 26, 29, 32 to 35, 39, 43, 49, 54, 59, 65, 70, 74, 80, 85, 90, 96, 101, 105, 111, 116, 121, 127 and 135 to 137 are rejected by Davis (relied in the previous Office Action) and Yoshimoto (cited by Applicant, Japan Patent Publication number 2000-305725) and Gase (US Patent 6184996).

Claims 2, 3, 6, 15, 16, 19, 27, 28, 31, 40 to 42, 44 to 46, 56 to 58, 60 to 62, 71 to 73, 75 to 77, 87 to 89, 91 to 93, 102 to 104, 106 to 108, 117 to 120, 122 to 124 and 132 to 134 are rejected under 34 U.S.C. 103(a) over Davis in view of U.S. Patent No. 6,757,741 (Hertling) and Yoshimoto and Gase.

Claims 5, 13, 18, 25, 30, 38, 55, 86 and 117 are rejected under j 103(a) over Davis in view of Hertling and further in view of U.S. Patent No. 6,337,745 (Aiello) and Yoshimoto and Gase.

Claims 11, 12, 23, 24, 36, 37, 47, 48, 52, 53, 63, 64, 68, 69, 78, 79, 83, 84, 94, 95, 99, 100, 109, 110, 114, 115, 125, 126, 130 and 131 are rejected under j 103(a) over Davis in view of Hertling and Aiello and further in view of U.S. Patent No. 6,581,092 (Motoyama) and Yoshimoto and Gase.

Regarding claim 1, Davis and Yoshimoto (as Applicant himself seems to note in the Remarks section of the Amendment of 8/19/2005) teaches all but control of "print capabilities" so as to be "temporarily deferring print data not intended for the recipient to the printing device prior to print data intended for the recipient."

Gase teaches such control of "print capabilities" so as to be "temporarily deferring print data not intended for the recipient to the printing device prior to print data intended for the recipient" (column 1, line 60 to column 2, line 10, i.e., alter the print queue, universal print queue) for the motivation of permitting the change of order of printing processing (Abstract). Note that Gase (at column 4, lines 11-64) teaches to handle the entire print capabilities (such as number of copies) in addition to mere queue

adjustment. Also at column 4, lines 11-64 Gase teaches that the client can control print requests from the other computers – provided that the client has higher priority than that of the other computers.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine Davis and Yoshimoto and Gase for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Regarding claims 2-137 (except for cancelled claims), these claims are rejected because of the reasons noted in the previous Office Action and because of Gase teaching as noted in the previous paragraphs.

For details of issues that are no longer contested (of which there are many), see the previous Office Actions.

Conclusion

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Points of Contact

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

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(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Kambiz Zand whose telephone number is (272) 272-3811.

David Jung

Patent Examiner

12/6/07

A handwritten signature in black ink, consisting of a large loop followed by a series of smaller loops and a long horizontal stroke extending to the right.